IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 355 OF 2005

IN

WRIT PETITION NO. 8715 OF 2003

Shri Sanjay Raghunath Deshmukh & Ors. .... Petitioners

Vs.

State of Maharashtra & Ors. .... Respondents

Mr. S.S. Pakale for the Petitioners.

Mr. C.R. Sonawane, AGP for the Respondent Nos. 1, 3, 4 and 7.

Mr. Sarang Aradhye h/f Mr. Govilkar for Respondent No. 2.

Mr. Sakhare, Sr. Advocate with Ravi Goenka i/b Goenka Law for Respondent no. 6.

Mr. A.M. Kulkarni for Respondentno. 8.

CORAM : SHRI. A.M. KHANWILKAR, J.,
DATE : 2ND MARCH, 2007

P.C.

1) The wilful breach of direction given by this Court in its order dated 25th February 2005 is alleged on two counts. The first is on account of non payment of amount of legitimate dues of the petitioners. In so far as this issue is concerned, according to respondent nos. 6 and 8, the requirement of depositing certain amounts has been complied by them long back. It is the petitioners

who should have approached respondent no. 4 for adjudication of their claim. So far, the petitioners have not approached respondent no. 4 for such adjudication. As there is no adjudicated liability of respondents, till the same is done the said respondents are not liable to pay any further amount in terms of order dated 25th February 2005. The fact that petitioners have still not approached respondent no. 4 is not in dispute. According to the petitioners, they expected the respondent nos. 6 and 8 to forward their representation to respondent no. 4. The representation was submitted by the petitioners to the said respondent long back.

2) Be that as it may, so far as issue of non payment of outstanding dues is concerned, it is not a case of wilful dis-obedience of the order of Court as such. Obviously, there is some communication gap between the parties. The Petitioners may forthwith approach respondent no. 4. On receipt of representation from the petitioners, the respondent no. 4 shall adjudicate the claim of the petitioners after giving hearing to respondent nos. 6 and 8 within six weeks from the presentation of the said representation. Respondent nos. 6 and 8 undertake before this

Court to extend full co-operation to respondent no. 4 for early disposal of the said representation. That undertaking is accepted.

3) The second issue which arises for consideration is regarding non compliance of another direction in the same order regarding absorption of the petitioners against the vacancies for which they are qualified. In so far as this issue is concerned, it is agreed between the petitioners and respondent no. 6 - management that respondent no. 6 shall forward necessary proposal to the Selection Committee of Shivaji University for its formal approval which in turn will have to examine the qualification and eligibility of the respective petitioners on its own merits. The respondent no. 6- management undertakes to submit such proposal within two weeks from today. The competent authority of Shivaji University shall ensure that such proposal is finally decided not later than six weeks from receipt thereof. I am conscious of the fact that Shivaji University is not party to the present proceedings. However, this observation is made having regard to the fact that the order of the Division Bench of this Court was passed as back as on 25th February 2005 for absorption of the petitioners against the vacancies

for which they are qualified.

4) The respondent nos. 6 and 8 have tendered un-conditional apology for the lapse in forwarding the proposal for absorption of the petitioners. In view of the agreement reached between the parties, the unconditional apology is accepted.

5) In view of the above, nothing survives for consideration in this petition. The same is disposed of on the above terms.

6) Notices issued to respondents stand discharged.

(A.M. KHANWILKAR, J.)